

## § 146.2

## 32 CFR Ch. I (7–1–02 Edition)

United States, and family members accompanying them.

(c) Prescribes procedures for treating such individuals who have been charged with, or convicted of, a felony in a court, have been held in contempt of a court for failure to obey the court's order, or have been ordered to show cause by a court why they should not be held in contempt for failing to obey the court's order.

### § 146.2 Applicability.

This part applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Joint Chiefs of Staff (JCS), the Joint Staff, the Unified and Specified Commands, the Inspector General of the Department of Defense (IG, DoD), the Uniformed Services University of the Health Sciences (USUHS), the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as “DoD Components”).

### § 146.3 Definitions.

*Court.* Any judicial body in the United States with jurisdiction to impose criminal sanctions on a DoD member, employee, or family member.

*DoD Employee.* A civilian employed by a DoD Component, including an individual paid from nonappropriated funds, who is a citizen or national of the United States.

*DoD Member.* An individual who is a member of the Armed Forces on active duty and is under the jurisdiction of the Secretary of a Military Department, regardless whether that individual is assigned to duty outside that Military Department.

*Felony.* A criminal offense that is punishable by incarceration for more than 1 year, regardless of the sentence that is imposed for commission of that offense.

*United States.* The 50 States, the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands, American Samoa, and the Virgin Islands.

### § 146.4 Policy.

It is DoD policy that:

(a) With due regard for mission requirements, the provisions of applicable international agreements, and ongoing DoD investigations and courts-

martial, the Department of Defense shall cooperate with courts and State and local officials in enforcing court orders relating to DoD members and employees stationed outside the United States, as well as their family members who accompany them, who have been charged with, or convicted of, a felony in a court, have been held in contempt by a court for failure to obey the court's order, or have been ordered to show cause why they should not be held in contempt for failing to obey the court's order.

(b) This part does not affect the authority of DoD Components to cooperate with courts and State and local officials in enforcing orders against DoD members and employees outside the United States on matters not listed in paragraph (a) of this section.

(c) This part does not create any rights or remedies and may not be relied on by any person, organization, or other entity to allege a denial of such rights or remedies.

### § 146.5 Responsibilities.

(a) The *General Counsel of the Department of Defense* (GC, DoD) shall:

(1) Issue Instructions and other guidance, as necessary, to implement this part.

(2) Review and approve the implementing documents issued by DoD Components under this part.

(3) Coordinate on requests for exception to the requirements of this part under § 146.5(b).

(b) The *Assistant Secretary of Defense (Force Management and Personnel)* (ASD(FM&P)), with the concurrence of the GC, DoD, shall grant exceptions on a case-by-case basis to the requirements of § 146.6. In exercising this authority, the ASD(FM&P), on request by the DoD Component concerned, shall give due consideration to the pertinent mission requirements, readiness, discipline, and ongoing DoD investigations and courts-martial.

(c) The *Heads of DoD Components* shall:

(1) Comply with this part.

(2) Issue Regulations implementing this part.

(3) Report promptly to the ASD(FM&P) and GC, DoD, any action